

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 17, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Deb Schorr
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, June 10, 2003.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated June 10, 2003. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

Stevens reported that Lancaster County received reimbursement for a poll conducted by the Election Commissioner at the request of the Chancellor at the University of Nebraska.

The Board also wished Commissioner Workman a happy birthday.

- 3) **CLAIMS: Approval of all claims processed through Tuesday, June 17, 2003.**

MOTION: Stevens moved and Workman seconded approval of all claims processed through June 17, 2003. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

4) PUBLIC HEARINGS:

A. Issuance, Sale and Delivery by Hospital Authority Number 1 of Lancaster County, Nebraska, not to exceed \$10,000,000, in aggregate principal amount of its revenue and refunding bonds (Madonna Rehabilitation Hospital Project), Series 2003, solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended; and related matters.

The Chair opened the public hearing.

The Clerk administered the oath to Steve Likes, bond counsel, Victor Witkowicz, Chief Financial Officer for Madonna Rehabilitation Hospital, and Bradley Bare, investment banker with Smith Hayes Financial Services.

Likes explained the issuance is for two projects. The first project is for the refinancing of existing indebtedness and the second project is for the construction of additional facilities. An overview regarding the terms of the bonds was presented by Likes who also said that the bonds would be limited special obligations of Hospital Authority Number 1, the bonds would not be a pledge of any resources of any taxing authority, they would not be an obligation of the County or the State and that no public funds would be used for the project.

Witkowicz stated the project total is approximately \$9,700,000 of which \$8,100,000 relates to bonds issued in 1998 that will be refinanced. The remainder of the proceeds, approximately \$1,500,000, will be used to complete the "private room expansion" project begun in 1998.

In response to a question asked by Workman regarding interest rates, Bare said the all inclusive interest rate is 3.16 percent. The all inclusive interest rate for the new portion of the money (\$1,500,000) will be 3.17 percent.

The Chair asked if anyone else wished to testify.

Heier stated for the record that his son-in-law works for Madonna.

No one appeared and the hearing was closed.

4) PUBLIC HEARINGS CONTINUED:

B. County Special Permit 202, requested by Candice L. Edwards, for authority to locate a temporary mobile home as a second residence for health reasons, on property generally located at Southwest 84th Street and West Pioneers Boulevard in Lancaster County, Nebraska.

The Chair opened the public hearing.

In response to a question asked by Workman, Mike DeKalb, Planning Department, stated he had visited with Mel Goddard, Building and Safety Department, who had indicated that trailers must meet manufacturers requirements when installed. To the best of Goddard's knowledge all manufacturers require trailers to have tie downs.

Stevens stated it was the applicant's responsibility to bring the renewal of the permit forward on an annual basis. He asked if there should be a time frame specified in relation to the "end of the medical condition".

DeKalb stated it would be difficult to enforce the time frame if the applicant doesn't supply the information.

Stevens asked if Building and Safety has a procedure for checking on renewals.

DeKalb responded that he couldn't answer that question, however, Building and Safety does work on a complaint basis and it would be their responsibility to notify the applicant(s) to remove it.

In response to a question asked by Hudkins, DeKalb stated the Board could add a time frame to the condition indicating the trailer must be removed within the specified time period after the medical need is no longer required.

Board consensus that three months (90 days) would be a reasonable time period.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

4) **PUBLIC HEARINGS CONTINUED:**

MOTION: Hudkins moved and Schorr seconded to direct the County Attorney's Office to draft a resolution granting County Special Permit 202, requested by Candice L. Edwards, with a 90 day removal clause after the expiration of the permit. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

5) **OLD BUSINESS:**

A. A permanent easement between the Lancaster County Engineering Department and Alltel for use of County property, located within the confines of the Waverly District shop area. The area, which is 15 feet by 15 feet, will be used for a digital loop cabinet to serve the Waverly area. (C-03-0291)

The Clerk indicated that the County Attorney's Office requested the item be dropped from the agenda.

6) **NEW BUSINESS:**

A. A resolution approving the issuance, sale and delivery by Hospital Authority Number 1 of Lancaster County, Nebraska, not to exceed \$10,000,000, in aggregate principal amount of its revenue and refunding bonds (Madonna Rehabilitation Hospital Project), Series 2003, solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended; and related matters. (R-03-0042)

MOTION: Stevens moved and Workman seconded approval of Resolution 03-0042 approving the issuance, sale and delivery by Hospital Authority Number 1 of Lancaster County, Nebraska, not to exceed \$10,000,000, in aggregate principal amount of its revenue and refunding bonds (Madonna Rehabilitation Hospital Project), Series 2003, solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended; and related matters. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

- B. A referee agreement with Jon Charles Fritz to hear protests and transmit to the Board of Equalization all papers relating to such protests, together with written findings and recommendations. The protests are for property valuations for the 2003 tax year. The County shall pay \$65 per hour for the services. (C-03-0302)**

MOTION: Hudkins moved and Schorr seconded approval of a referee agreement with Jon Charles Fritz to hear protests and transmit to the Board of Equalization all papers relating to such protests, together with written findings and recommendations. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

- C. A referee agreement with Craig Larabee to hear protests and transmit to the Board of Equalization all papers relating to such protests, together with written findings and recommendations. The protests are for property valuations for the 2003 tax year. The County shall pay \$60 per hour for the services. (C-03-0303)**

MOTION: Stevens moved and Hudkins seconded approval of a referee agreement with Craig Larabee to hear protests and transmit to the Board of Equalization all papers relating to such protests, together with written findings and recommendations. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

- D. An agreement with the City of Lincoln for the paving and construction of the Cheney Connector which involves rerouting the current section of South 91st Street into the town of Cheney, which will turn west and tie into a new arterial section of South 91st Street. The City is responsible for the cost of paving and construction of the project and responsible for maintenance on the new section of South 91st Street. The County shall give the City permission to perform the work and shall be responsible for maintenance on what is described as the Cheney Connection. (C-03-0304)**

David Johnson, Deputy County Attorney, requested that the agreement be held for one week.

6) NEW BUSINESS CONTINUED:

- E. **A contract with Rochester Armored Car Company, Inc. for armored car services for Lancaster County and the City of Lincoln, at rates as specified in the Request for Proposal. The contract shall begin on July 1, 2003 and end June 30, 2006, with the option to renew for one additional three year period. (C-03-0305)**

MOTION: Schorr moved and Stevens seconded approval of a contract with Rochester Armored Car Company, Inc. for armored car services for Lancaster County and the City of Lincoln, at rates as specified in the Request for Proposal. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

- F. **A business associate agreement with Spectrum Rehabilitation Services, Inc./Spectrum Medical Equipment, Inc., and Lancaster County on behalf of Lancaster Manor. The agreement addresses the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), with respect to "business associates" as that term is defined by the HIPAA Privacy Rules. (C-03-0306)**

MOTION: Hudkins moved and Stevens seconded approval of a business associate agreement with Spectrum Rehabilitation Services, Inc./Spectrum Medical Equipment, Inc., and Lancaster County on behalf of Lancaster Manor. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

- G. **An amendment to an agreement with the State of Nebraska, Department of Health and Human Services for Comprehensive Community Mental Health Services for children and their families. The original agreement is under County Contract 99-2527 and two subsequent amendments under County Contracts C-00-106 and C-01-0020. The term of the agreement shall be amended to be from August 1, 1999 through August 31, 2003. The compensation shall be amended to increase to \$6,072,900 instead of \$5,178,562. (C-03-0307)**

This item was held.

6) NEW BUSINESS CONTINUED:

H. A health care staffing agreement with Intrepid America-Nebraska, Inc. for health care staffing services at Lancaster County Corrections. The term of the agreement is from May 1, 2003 to April 30, 2004. The County shall pay licensed practical nurses from \$29.95 per hour to \$34.95 per hour and registered nurses from \$46.95 to \$52.95 per hour. The rates shall be at one and a half times per hour for holidays. (C-03-0309)

MOTION: Workman moved and Stevens seconded approval of a health care staffing agreement with Intrepid America-Nebraska, Inc. for health care staffing services at Lancaster County Corrections. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

I. An agreement with Prairieland Dairy for the construction of a tunnel for moving cattle from one dairy barn to another on Pella Road between 120th and 134th Streets. Prairieland Dairy shall be responsible for construction and costs. The County shall give permission and authorize road closure. The construction shall be completed one month from the date of execution of the agreement. (C-03-0310)

Johnson requested the County Board approve the agreement to include the following items under Section 3 (Responsibilities):

Item I - The Owner agrees that use and placement of the tunnel beneath the County roadway shall not effect the public health, safety and welfare of the traveling public. The Owner agrees that the County may revoke permission and require closure of the tunnel if this requirement is not met at the sole discretion of the County.

Item J - The Owner recognizes and agrees that the County reserves the right to close the tunnel for road improvements and the Owner specifically releases the County from any lost profits, lost revenue or other damages occurring to the Owner as a result of the County project.

Item K - The Owner recognizes that the use of the tunnel may be revoked at any time at the sole discretion of the County and that the Owner releases the County from any obligation to pay any cost to the Owner as a result of their lost use of the tunnel.

6) **NEW BUSINESS CONTINUED:**

Johnson also stated a change was made regarding "General Liability Insurance" to cover the County's potential liability. A \$5,000,000 aggregate was added.

Hudkins stated it was his understanding that a metal tube eight feet in diameter would be used in place of a tube seven feet in diameter.

Larry Worrell, Chief Deputy County Surveyor, stated they have no objections to the change.

MOTION: Hudkins moved and Stevens seconded approval of an agreement with Prairieland Dairy subject to the recommendations made by the Deputy County Attorney and to use an eight foot culvert in place of a seven foot culvert. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

J. Approval of an information letter to be included with June 19, 2003 paychecks.

Kerry Eagan, Chief Administrative Officer, submitted a draft of a letter to be included with employee paychecks.

MOTION: Schorr moved and Hudkins seconded approval of an information letter to be included with June 19, 2003 paychecks. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

K. Reappointment of Andrew Strotman to the Indigent Defense Advisory Committee for a three year term ending May 10, 2006.

MOTION: Stevens moved and Hudkins seconded approval of the reappointment of Andrew Strotman to the Indigent Defense Advisory Committee for a three year term ending May 10, 2006. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

L. A political subdivision tort claim filed by Terra Reynolds against the Lancaster County Corrections Department, in the amount of \$60, for lost property.

6) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded to accept the recommendation of the Director and deny a political subdivision tort claim filed by Terra Reynolds against the Lancaster County Corrections Department, in the amount of \$60, for lost property. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. **Records and Information Management's Monthly Report for May, 2003.**
2. **Renewal Application with Nebraska Department of Health and Human Services for Adult Day Services License for the Adams Street Center.**

B. Setting of public hearings for Tuesday, July 1, 2003 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the following:

1. **County Special Permit 198, Wyndam Place Community Unit Plan, requested by Brian D. Carstens and Associates on behalf of Bernie and Connie Heier, consisting of 16 residential acreage lots, on property generally located at North 176th Street and Holdrege Street in Lancaster County, Nebraska.**
2. **County Preliminary Plat 03000, Wyndam Place, requested by Brian D. Carstens and Associates on behalf of Bernie and Connie Heier, consisting of 16 residential acreage lots, on property generally located at North 176th Street and Holdrege Street in Lancaster County, Nebraska.**

C. Request from Rebecca I. Hight-Moravec to voluntarily participate in the Lancaster County Retirement Plan, having met the requirements.

7) CONSENT ITEMS CONTINUED:

- D. A resolution in the matter of County Special Permit 199, Prairie Creek Estates Community Unit Plan, requested by Brian D. Carstens and Associates on behalf of Nebraska Prairie, L.L.C., consisting of nine single family acreages, on property generally located at South 148th and Van Dorn Streets in Lancaster County, Nebraska. (R-03-0043)
- E. A resolution in the matter of County Preliminary Plat 03001, Prairie Creek Estates, requested by Brian D. Carstens and Associates on behalf of Nebraska Prairie, L.L.C. consisting of nine single family acreage lots, on property generally located at South 148th and Van Dorn Streets in Lancaster County, Nebraska. (R-03-0044)
- F. A resolution in the matter of County Special Permit 197, Cedar Grove Estates Community Unit Plan, requested by Olsson Associates on behalf of Lyall Luff and Knox Associates, consisting of nine single family acreages, on property generally located at South 176th Street and Old Cheney Road in Lancaster County, Nebraska. (R-03-0045)
- G. A resolution in the matter of County Preliminary Plat 02026, Cedar Grove Estates, requested by Olsson Associates on behalf of Lyall Luff and Knox Associates, consisting of nine residential acreage lots, with associated waiver requests, on property generally located at South 176th Street and Old Cheney Road in Lancaster County, Nebraska. (R-03-0046)

Heier requested that Consent Items 7B(1) and 7B(2) be voted on separately.

MOTION: Hudkins moved and Stevens seconded approval of the Consent Items, excluding Item 7B(1) and 7B(2). Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

MOTION: Stevens moved and Hudkins seconded approval of Consent Items 7B(1) and 7B(2). Stevens, Workman, Hudkins and Schorr voted aye. Heier abstained from voting. Motion carried.

8) **ADJOURNMENT:**

MOTION: Stevens moved and Workman seconded adjournment of the Board of Commissioners meeting at 2:10 p.m.. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JUNE 17, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Deb Schorr
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization was called to order at 2:10 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, June 10, 2003.**

MOTION: Schorr moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting dated June 10, 2003. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Developmental Services of Nebraska, Inc.
Nebraska Annual Conference of United Methodist Church
Nebraska SPF Swine Accrediting Agency, Inc.
Second Baptist Church
Villa Marie School**

MOTION: Stevens moved and Hudkins seconded approval of motor vehicle tax exemptions for Developmental Services of Nebraska, Inc., Nebraska SPF Swine Accrediting Agency, Inc. and Second Baptist Church and to also approve motor vehicle tax exemptions for Nebraska Annual Conference of United Methodist Church and Villa Marie School subject to the vehicle(s) being titled and registered to the applicants. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

4) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY:**

Sesostris Temple Holding Corporation

Norm Agena, County Assessor/Register of Deeds, stated the new value is \$569,200.

MOTION: Workman moved and Stevens seconded to accept the recommendation of the County Assessor/Register of Deeds to set a new value at \$569,200 for Sesostris Temple Holding Corporation.

Trent Sidders, attorney representing Sesostris Temple Holding Corporation, appeared and indicated they have no objections to the new value. He added that he would be submitting a special use valuation application on behalf of the Sesostris Temple Holding Corporation prior to the end of the month.

ROLL CALL: Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

5) **REMOVAL OF TAX EXEMPTIONS FOR 2003:**

Faith Apostolic Holiness Church

Agena stated the property was deeded to an individual. By statute, the church can no longer qualify for an exemption.

Salvation Army

Agena stated the single family residence owned by the Salvation Army was sold.

University of Nebraska Foundation

Agena stated the property was deeded to the University of Nebraska Facilities Corporation. He explained he visited with Gene Crump, counsel for the University of Nebraska, who indicated he would be filing for an exemption for the University of Nebraska Facilities Corporation prior to August 1st.

MOTION: Schorr moved and Stevens seconded to accept the recommendation of the County Assessor/Register of Deeds and remove the tax exemptions for 2003 for Faith Apostolic Holiness Church, Salvation Army and University of Nebraska Foundation. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Workman moved and Hudkins seconded adjournment of the Board of Equalization meeting at 2:15 p.m.. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk